REMARKS/ARGUMENTS

Claims 1-9 and 13-19 are active. Claims 10-12 and 20, which depend from elected claims, have been withdrawn from consideration. Independent claims 1 and 13 have been revised to refer to refer to the positions, e.g., "positions 4 and 11" and numbered residues, e.g., Ala_{22} or Gly_{129}, by reference to the amino acid sequence of human prolactin, which is well-known in the art as evident from the literature cited on page 2 of the specification. The term "above positions" refers to those specific positions described in the claims. As advised by the Examiner, the Applicants have deleted the term "preventing" from claim 12. Claim 20 has also been revised in accord with the Examiner's comments to more specifically refer to disease and disorders involving the prolactin receptor. Accordingly, the Applicants do not believe that any new matter has been added. Favorable consideration of this amendment and allowance of this application are respectfully requested.

Rejection—35 U.S.C. §112, second paragraph

Claims 1-9 and 13-19 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite with respect to the location of the numbered amino acid positions. As discussed with Examiner Saoud on February 6, 2009, independent claims 1 and 13 have been revised to further refer to the conserved positions in human prolactin. The concern was that the numbered residues might be construed as relative. That is, for a truncated prolactin lacking the N-terminal residue, position 4 would be position 3. The reference to the mature human sequence unambiguously identifies the Cys residue at position 3 in such a truncated analog as corresponding to the Cys at position 4 in the mature human prolactin sequence. Similar correspondence is provided by this language for the other numbered residues.

The sequence of human prolactin and the conserved amino acid residues at positions 4, 11, 22 and 129 were well-known in the art as evident from the literature cited in the specification. Moreover, the N-terminal sequence of human prolactin, including positions 4 and 11 is shown in Fig. 1. Furthermore, the conserved nature of these residues, not just in human prolactin, but in numerous mammalian prolactins is illustrated by the attached sequence alignment. The revised claim language provides a reference point to particular residue positions present in human prolactin. Therefore, the Applicants respectfully submit that this rejection may now be withdrawn.

Rejoinder of Non-elected Claims

The Applicants respectfully request that the claims of the nonelected group(s) or other withdrawn subject matter which depend from or otherwise include all the limitations of an allowed elected claim, be rejoined upon an indication of allowability for the elected claim, see MPEP 821.04. This amendment revises withdrawn method claims 12 and 20 as discussed with the Examiner.

Conclusion

In view of the amendments and remarks above, the Applicants respectfully submit that this application is now in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon

Thomas M. Cunningham, Ph.D.
Registration No. 45,394

Customer Number
22850
Tel: (703) 413 -3000
Fax: (703) 413 -2220
(OSMMN 08/03)
NFO/TMC:sih